

## **FISH & WILDLIFE COMMISSION AGENDA ITEM COVER SHEET**

**Meeting Date:** May 22, 2014

**Agenda Item:** Clark Fork River and Warm Springs Wildlife Management Area Closure Rules

**Division:** Fisheries

**Action Needed:** Final Action

**Time Needed on Agenda for this Presentation:** 5 minutes

### **Background**

In March the F&W Commission proposed rules requested by the Montana Department of Environmental Quality that would close portions of the Clark Fork River and the Warm Springs WMA related to Phases 1, 2, 5 and 6 of the Milltown Reservoir/Clark Fork River Superfund Site. FWP is now recommending that the Commission adopt the rules as proposed. The rules would:

Close the Clark Fork River and its banks from Dec.1, 2014 through Sept. 15, 2016 for 1.9 river miles starting at the river's upstream boundary with the Warm Springs WMA and proceeding downstream to Perkins Lane (Phase 2).

Close the road accessing the eastern portion of the WMA from Dec. 1, 2014 through Sept. 15, 2015 (Phase 2).

Close the portion of land south of the road closure to the downstream boundary of the wildlife management area from Dec. 1, 2014 through Sept. 15, 2015 (Phase 2). The Job Corp Ponds portion of the WMA will remain open through the closure for angling opportunity and waterfowl hunting only with road access from the north end of the Job Corp Ponds via Perkins Lane.

Close the Clark Fork River and its banks from July 15, 2014 through July 15, 2016 starting where the river flows under the Gemback Road and proceeding downstream for 4.5 river miles (Phases 5 and 6).

### **Public Involvement Process & Results**

FWP received no comments during the official comment period. Five people expressed support for the closure rules prior to the comment period.

### **Alternatives & Analysis**

The Commission could choose not to adopt the rules, or modify the rules. These alternatives could make it difficult for DEQ to complete the superfund cleanup and might result in unsafe conditions for the recreating public. The contractor, needing to comply with safety regulations, could cease cleanup efforts.

### **Agency Recommendation & Rationale**

FWP recommends that the Commission adopt the rules as proposed. The rules would address public safety concerns and aid restoration efforts. FWP has worked with DEQ to identify closure dates that minimize impacts on public recreation while still addressing public safety and resource protection.

### **Proposed Motion**

I move that the Commission adopt the rules requested by DEQ and presented by FWP that would close portions of the Clark Fork River and the Warm Springs WMA related to Phases 1, 2, 5 and 6 of the Milltown Reservoir/Clark Fork River Superfund Site.